

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 26, 1994
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:39 a.m. Mayor Golding recessed the meeting at 11:02 a.m. to convene the Redevelopment Agency and to convene as the Housing Authority thereafter. Mayor Golding reconvened the meeting at 11:05 a.m. with all members present. The meeting was recessed by Mayor Golding at 12:06 p.m. to meet in Closed Session at 1:30 p.m. in the twelfth floor conference room to discuss existing litigation and significant exposure to litigation and to reconvene the regular meeting at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:06 p.m. with all members of the Council present. Mayor Golding recessed the meeting at 2:47 p.m. to reconvene the Redevelopment Agency. Mayor Golding reconvened the meeting at 5:00 p.m. with all members of the Council present. Council Member Stallings stated that her nay vote on Redevelopment Agency Item No. 6 was in error and that she wanted her vote to be recorded as "yea." Mayor Golding adjourned the meeting at 5:39 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Roberts-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Fishkin (mc/mp)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

(M) Mayor Golding-present
(1) Council Member Mathis-present

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- (2) Council Member Roberts-not present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-not present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-not present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-11:

Comment by Bob Scheidt regarding the denial of his application for an adult entertainment permit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A071-083.)

ITEM-PC-12:

Comment by David Thompson suggesting that Council establish a San Diego City Health Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A084-133.)

ITEM-PC-13:

Comment by Frances McCrary regarding the environment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A134-180.)

ITEM-PC-14:

Comment by Don Stillwell informing Council that an emergency action by the Council was needed because the Government will be voting to create domestic and non-domestic \$100 bills in the next two weeks. He urged Council to call our two senators regarding this issue.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A182-217.)

ITEM-PC-15:

Comment by Jorge Montanes regarding the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A220-243.)

COUNCIL COMMENT:

None.

ITEM-330:

SUBJECT: Downtown Maintenance Assessment District.
(Centre City Community Area. Districts-2,3 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1540) ADOPTED AS RESOLUTION R-284348

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Downtown Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Downtown Maintenance Assessment District which was formed in January of 1972 by Council resolution. The district provides specialized services such as litter and graffiti control, street tree maintenance and sidewalk cleaning to individual zones within the district as well as maintaining a system of open space/parks. It is proposed that the Gaslamp Square Park be incorporated into the open space/parks zone of the district. This park, located at the southwest corner of Fifth and "L" Streets, is now under construction and is expected to be completed in September of 1994. The estimated FY '95 maintenance cost for the Gaslamp

Square Park is \$30,000. The Assessment Engineer has determined that the Downtown Maintenance Assessment District will benefit from 40 percent of this park, with the remaining benefits received by the Gaslamp District (20 percent) and the City (40 percent). It is recommended that the annual maintenance costs for the park be paid by those receiving benefit in these proportions, a proposal which has been endorsed by the Downtown Partnership Association, the Gaslamp Quarter Association, and the City Park and Recreation Department. The estimated FY '95 maintenance cost to the Downtown Maintenance Assessment District for the Gaslamp Square Park is \$12,000. The total amount proposed to be assessed to the district for FY 1995 is \$689,141 compared to \$862,160 for FY 1994. This amount reflects FY '95 savings in personnel expenses. A current and prior year cost breakdown for each of the six zones is as follows:

Zone	Street Trees	"C" St. Mall	Litter/ Graffiti	Horton Plaza	Open Space E. Broadway	Parks
Total						
FY '95	\$108,066	\$131,914	\$348,476	\$51,729	\$34,388	\$14,568
	\$689,141					
FY '94	\$140,732	\$162,499	\$448,127	\$48,242	\$45,473	\$17,097
	\$862,160					

FILE LOCATION: STRT M-312

COUNCIL ACTION: (Tape location: A365-493.)

Hearing began at 11:05 a.m. and halted at 11:13 a.m.

Testimony in favor by Ron Oliver and Thomas Sandmeyer.

MOTION BY ROBERTS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Gaslamp Quarter Landscape and Lighting Maintenance
District.
(Centre City Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1530) ADOPTED AS RESOLUTION R-284349

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gaslamp Quarter Landscape and Lighting Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Gaslamp Quarter Landscape and Lighting Maintenance District. The district provides landscaping, tree maintenance, sidewalk litter control, graffiti removal as well as electrical energy and maintenance for the ornamental street lights within the district. It is proposed that the district pay for a portion of the maintenance for the Gaslamp Square Park located at the southwest corner of Fifth and "L" Streets. The park is now under construction and is expected to be completed in September of 1994. The estimated FY '95 maintenance cost for the Gaslamp Square Park is \$30,000. The Assessment Engineer has determined that the Gaslamp Quarter Landscape and Lighting district benefits from 20 percent of this park, with the remaining benefits received by the Downtown Maintenance Assessment District (40 percent) and the City (40 percent). It is proposed that the annual maintenance costs for the park be paid by property owners receiving benefit in the above proportions, a proposal which has been endorsed by the Gaslamp Quarter Association, the Downtown Partnership Association, and the City Park and Recreation Department. The estimated FY '95 maintenance cost to the district for this park is \$6,000. The total annual assessment to the district for FY '95 is proposed to be \$349,239 compared with \$291,447 for FY '94. The FY '95 assessment increase is a result of a reduction in the carry-over and interest balance which was, at the request of the community, used to lower FY '94 assessments. Individual assessments in this district vary depending on the level of service provided, the number of stories in a building, and the greater of either the area of the building or parcel lot size. Assessments to individual parcels for FY '95 are proposed to be \$.40/sq.ft. to parcels receiving the maxi-service and \$.09/sq.ft. to parcels receiving the mini-service.

FILE LOCATION: STRT M-313

COUNCIL ACTION: (Tape location: A252-321.)

Hearing began at 10:56 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: San Ysidro Boulevard Landscape Maintenance District No.
1.
(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1782 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-284353

Considering the protests, approving the modified map,
confirming the assessments, and ordering the proposed
maintenance, in the matter of the San Ysidro Boulevard
Landscape Maintenance District No. 1.

CITY MANAGER SUPPORTING INFORMATION:

This action proposes to annex territory to the district and
establishes the annual assessments for the San Ysidro Landscape
Maintenance District No. 1. The district provides maintenance
for the landscaping, decorative pavement, decorative sidewalk and
street amenities such as bollards, benches and planter boxes.
The Fiscal Year 1995 proposed maintenance costs for the district
are as follows:

Contractual Maintenance	\$17,500
Personnel	7,711
Utilities	1,325
Incidentals	9,739
Total Expenses	\$36,275
Reserve	19,411
Total	\$55,686
Less Carry-over and Interest	(31,524)
Less City Contribution	(343)
Assessed to District	\$23,819

The assessments are based on the frontage along San Ysidro
Boulevard. The proposed unit assessment for Fiscal Year 1995 is
\$16.80 per frontage foot of parcel, the same as for Fiscal Year
1994. Nine City-owned properties with a total frontage of 448
feet have been converted to public right-of-way, resulting in the
trailer park parcel (APN 666-380-19-00) now fronting the road.
Therefore, it is recommended that the trailer park parcel be
annexed to the district. It is proposed that the trailer park be
assessed starting in Fiscal Year 1996.

FILE LOCATION: STRT M-339

COUNCIL ACTION: (Tape location: G022-062.)

Hearing began at 5:00 p.m. and halted at 5:04 p.m.

Testimony in opposition by Fred Sobke.

MOTION BY VARGAS TO ADOPT THE RESOLUTION APPROVING THE CITY MANAGER'S RECOMMENDATION TO NOT ANNE THE AREA. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Gateway Center East Landscape Maintenance District.
(Mount Hope Neighborhood. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1751) ADOPTED AS RESOLUTION R-284350

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gateway Center East Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Gateway Center East Landscape Maintenance District. The district provides maintenance for the landscaped open space easements as well as landscaping along the frontage of all lots and medians on Market Street and Gateway Center Drive. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 65,000
Personnel	10,279
Utilities	32,000
Incidentals	17,313
Total Expenses	\$124,592
Reserve	11,630
Total	\$136,222
Less Carry-over & Interest	(53,313)
Less City Contribution	(944)
Assessed to District	\$ 81,965

The assessment cost for Fiscal Year 1995 is \$2,185 per acre of net pad area of each parcel. The corresponding assessment cost

in Fiscal Year 1994 was \$3,252 per acre of net pad area of each parcel. The 33 percent decrease in assessment is due to reduced contractual maintenance plus increased carry-over and interest as a result of requests from property owners.

FILE LOCATION: STRT M-320

COUNCIL ACTION: (Tape location: A252-321.)

Hearing began at 10:56 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: RETURNED TO CITY MANAGER

SUBJECT: Appeal of Mary Baker from the decision of the Planning
Commission in denying Tentative Map and Variance
92-0570.
(TM/Variance 92-0570. District-6.)

CITY MANAGER'S RECOMMENDATION:
Adopt Subitem A and adopt Subitem B to deny the map and
variance.

Subitem-A: (R-94-)

Adoption of a Resolution certifying that the
information contained in Environmental Negative
Declaration DEP-92-0570 has been completed in
compliance with the California Environmental Quality
Act of 1970 and State guidelines.

Subitem-B: (R-94-)

Adoption of a Resolution granting or denying the
appeal, and granting or denying the tentative map and
variance, with appropriate findings to support Council
action.

OTHER RECOMMENDATIONS:
Planning Commission voted 6-0 to deny the map and variance.
Ayes: Bernet, McElliot, Benn, Quinn, Skorepa, White.
Nays: None.
Not present: Neils.

SUPPORTING INFORMATION:

The Tentative Map (Baker Residential Lot Split) would subdivide an existing lot developed with one single-family residence into two parcels. Parcel 2 requires a Variance to allow a width of 45'-0" linear feet, where a minimum width of 55'-0" linear feet is required for corner lots in an R1-5000 Zone. Once subdivided, Parcel 2 can be developed according to the regulations contained within Section 101.0407 of the City of San Diego Municipal Code (30'-0" height limit, 0.60 floor area ratio). The property is located at 2140 Hartford Street, south of Milton Street, between Galveston Street to the west and Knoxville Street to the east, in the R1-5000 and the Clairemont Mesa Height Limitation Overlay Zones within the Clairemont Mesa Community Plan area.

LEGAL DESCRIPTION:

The existing parcel is further described as a portion of Acre Lot 122 of Morena, Map-809.

FILE LOCATION: SUBD - Baker Residential Lot Split

COUNCIL ACTION: (Tape location: A252-321.)

CONSENT MOTION BY ROBERTS TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

Heard previously at the meetings of April 12, 1994, Item 335; April 26, 1994, Item 335; May 10, 1994, Item 333; and May 17, 1994, Item S500.

SUBJECT: Implementation of the Federal Endangered Species Act Section 4(d) Rule (Natural Communities Conservation Plan Process). (Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the Ordinance in Subitem A, which was introduced as amended on 4/27/94 (Council voted 8-0; District 4 not present); and adopt the Resolution in Subitem B:

Subitem-A: (O-94-102 Cor. Copy) ADOPTED AS ORDINANCE
O-18090 (New Series)

Amending Chapter XI, Article 1, Division 11, of the San

Diego Municipal Code, by adding Sections 111.1130, 111.1131, 111.1132, 111.1133, 111.1134, 111.1135, and 111.1136, relating to the requirements for an Interim Habitat Loss Permit Program.

Subitem-B: (R-94-1568) ADOPTED AS RESOLUTION R-284355

Approving the Natural Communities Conservation Planning (NCCP) Program Interim Habitat Loss Permit Procedures; and authorizing the City Manager to make minor administrative changes to these procedures as may be necessary to further the goals of the NCCP.

SUPPORTING INFORMATION:

Consideration of an ordinance establishing an Interim Habitat Loss Permit Process and a resolution adopting City procedures to implement the Federal Endangered Species Act Section 4(d) Special Rule process for "incidental take" of California gnatcatchers and loss of coastal sage scrub and other gnatcatcher or critical habitat. The proposed City process is based on the requirements of the State of California Natural Communities Conservation Planning Program Guidelines, as required by the language of the Federal 4(d) Rule.

REDOCKETED BY THE PLANNING DEPARTMENT.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G065-392.)

Hearing began at 5:04 p.m. and halted at 5:29 p.m.

Testimony in opposition by Craig Adams and Jim Whalen.

MOTION BY McCARTY TO APPROVE WITH THREE SMALL CHANGES: (1) KEEP THE SIX MONTHS BUT WITH THE POSSIBILITY OF AN EXTENSION OF THREE MONTHS, NINE MONTHS FOR NON-EXPEDITED PROJECTS. STAFF IS TO DECIDE IF AN EXTENSION IS WARRANTED RATHER THAN CONDUCT A PUBLIC HEARING; (2) IN THE NCCP GUIDELINES FOR INTERMEDIATE VALUE, IT SAYS, "SPECIAL MITIGATION MAY BE WARRANTED." IT SHOULD BE INCLUDED; AND (3) THE "NO NET LOSS FOR THE SYSTEM AND NOT FOR THE PROJECT" IS APPROPRIATE. ITEMS NO. 8 AND 9 ARE NOT SUPPORTED AT THIS TIME. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Fiscal Year 1995 Annual Appropriation Ordinance.
(See City Manager Report CMR-94-202.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-95-3) INTRODUCED AND ADOPTED AS ORDINANCE O-18089
(New Series)

Adopting the Annual Budget for Fiscal Year 1994-1995
and appropriating the necessary money to operate the
City of San Diego for said fiscal year.

NOTE: Today's action is the second public hearing and
introduction and adoption of the ordinance. See Item 210 on the
docket of July 25, 1994 for the first public hearing.

FILE LOCATION: MEET Budget-Annual (Record Series #5)

COUNCIL ACTION: (Tape location: G414-450.)

MOTION BY WARDEN TO INTRODUCE AND ADOPT THE ORDINANCE AND TO
DIRECT THE CITY MANAGER AND CITY ATTORNEY TO BRING BACK TO
COUNCIL ON AUGUST 8, 1994, THE AMENDMENTS REQUESTED BY
COUNCIL MEMBERS WARDEN AND MCCARTY FOR CONSIDERATION AT THE
TIME THE DATA PROCESSING BUDGET IS DISCUSSED. Second by
McCarty. The motion was divided. The introduction and
adoption of the ordinance passed by the following vote:
Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

The direction to the City Manager and City Attorney passed
by the following vote: Mathis-yea, Roberts-yea, Kehoe-nay,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-nay, Mayor Golding-nay.

ITEM-337:

SUBJECT: San Diego Area Wastewater Management District.
(Continued from the meeting of June 28, 1994, Item
S502, at Councilmember Stallings' request, to give
member agencies an opportunity to meet.)

(R-95-259 Rev.1) ADOPTED AS RESOLUTION R-284356

Discussing and determining whether the City of San Diego will remain a member of the San Diego Area Wastewater Management District.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C009-576.)

Motion by Mathis to withdraw from the district. Second by Stevens. No vote taken.

MOTION BY MATHIS TO NOT BE A MEMBER OF THE DISTRICT BUT TO HAVE THAT DECISION NOT TAKE EFFECT FOR 30 DAYS. IF WITHIN THAT 30-DAY PERIOD THE OTHER AGENCIES DECIDE TO JOIN AND THEY COMMUNICATE THAT, THEN THE CITY OF SAN DIEGO WILL CONSIDER THE FORMATION. THE CONDITIONS WOULD BE AS CONTAINED IN THE PROPOSED MOU. THE CITY OF SAN DIEGO WOULD CONSIDER THE FORMATION IF CHULA VISTA DID NOT SIGN BUT EL CAJON DID. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: Two actions related to the HOME Investment Partnership Program - FFY-94 Agreement.
(See Housing Commission Report HCR-94-008CC.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-83) ADOPTED AS RESOLUTION R-284351

Approving execution of the HOME Investment Partnership Agreement for FFY-94.

Subitem-B: (R-95-84) ADOPTED AS RESOLUTION R-284352

Confirming the delegation of administration of the HOME Investment Partnership Program to the San Diego Housing Commission.

FILE LOCATION: MEET CONTFY95-1

COUNCIL ACTION: (Tape location: A252-321.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-95-928 Cor.Copy) ADOPTED AS RESOLUTION
R-284357

A Resolution adopted by the City Council in Closed Session
on Tuesday, July 26, 1994:

Authorizing the City Manager to pay the individuals
listed on Exhibit A the total sum of \$47,502.56 in the
settlement of each and every approved individual claim
against The City of San Diego, its agents and
employees, resulting from the dispute over sick leave
payments and other employment benefits by these former
employees of the Convention and Performing Arts Center
(CPAC); said funds are to be payable from Fund No.
81140, Public Liability Reserve Fund.

Aud.Cert. 9500139.

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:39 p.m. in
honor of the memory of Leanore B. Lampert as requested by
Council Member McCarty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G455).